

104TH CONGRESS
1ST SESSION

S. 1466

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 1995

Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Citizens’ Right
5 to Work Act of 1995”.

1 **SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR**
2 **PURPOSES OF THE SOCIAL SECURITY EARN-**
3 **INGS LIMIT.**

4 (a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR
5 INDIVIDUALS WHO HAVE ATTAINED RETIREMENT
6 AGE.—Section 203(f)(8)(D) of the Social Security Act (42
7 U.S.C. 403(f)(8)(D)) is amended to read as follows:

8 “(D) Notwithstanding any other provision of
9 this subsection, the exempt amount which is applica-
10 ble to an individual who has attained retirement age
11 (as defined in section 216(l)) before the close of the
12 taxable year involved shall be—

13 “(i) for each month of any taxable year
14 ending after 1995 and before 1997,
15 \$1,166.66 $\frac{2}{3}$,

16 “(ii) for each month of any taxable year
17 ending after 1996 and before 1998, \$1,250.00,

18 “(iii) for each month of any taxable year
19 ending after 1997 and before 1999,
20 \$1,333.33 $\frac{1}{3}$,

21 “(iv) for each month of any taxable year
22 ending after 1998 and before 2000,
23 \$1,416.66 $\frac{2}{3}$,

24 “(v) for each month of any taxable year
25 ending after 1999 and before 2001, \$1,500.00,

1 “(vi) for each month of any taxable year
 2 ending after 2000 and before 2002,
 3 \$2,083.33 $\frac{1}{3}$, and

4 “(vii) for each month of any taxable year
 5 ending after 2001 and before 2003,
 6 \$2,500.00.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 203(f)(8)(B)(ii) of such Act (42
 9 U.S.C. 403(f)(8)(B)(ii)) is amended—

10 (A) by striking “the taxable year ending
 11 after 1993 and before 1995” and inserting “the
 12 taxable year ending after 2001 and before 2003
 13 (with respect to individuals described in sub-
 14 paragraph (D)) or the taxable year ending after
 15 1993 and before 1995 (with respect to other in-
 16 dividuals)”; and

17 (B) in subclause (II), by striking “for
 18 1992” and inserting “for 2000 (with respect to
 19 individuals described in subparagraph (D)) or
 20 1992 (with respect to other individuals)”.

21 (2) The second sentence of section 223(d)(4)(A)
 22 of such Act (42 U.S.C. 423(d)(4)(A)) is amended by
 23 striking “the exempt amount under section 203(f)(8)
 24 which is applicable to individuals described in sub-
 25 paragraph (D) thereof” and inserting the following:

1 “an amount equal to the exempt amount which
 2 would be applicable under section 203(f)(8), to indi-
 3 viduals described in subparagraph (D) thereof, if
 4 section 2 of the Senior Citizens’ Right to Work Act
 5 of 1995 had not been enacted”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply with respect to taxable years end-
 8 ing after 1995.

9 **SEC. 3. ESTABLISHMENT OF DISABILITY INSURANCE CON-**
 10 **TINUING DISABILITY REVIEW ADMINISTRA-**
 11 **TION REVOLVING ACCOUNT.**

12 (a) CONTINUING DISABILITY REVIEW ADMINISTRA-
 13 TION REVOLVING ACCOUNT FOR TITLE II DISABILITY
 14 BENEFITS IN THE FEDERAL DISABILITY INSURANCE
 15 TRUST FUND.—

16 (1) IN GENERAL.—Section 201 of the Social
 17 Security Act (42 U.S.C. 401) is amended by adding
 18 at the end the following new subsection:

19 “(n)(1) There is hereby created in the Federal Dis-
 20 ability Insurance Trust Fund a Continuing Disability Re-
 21 view Administration Revolving Account (hereinafter in
 22 this subsection referred to as the ‘Account’). The Account
 23 shall consist initially of \$300,000,000 (which is hereby
 24 transferred to the Account from amounts otherwise avail-
 25 able in such Trust Fund) and shall also consist thereafter

1 of such other amounts as may be transferred to it under
2 this subsection. The balance in the Account shall be avail-
3 able solely for expenditures certified under paragraph (2).

4 “(2)(A) Before October 1 of each calendar year, the
5 Chief Actuary of the Social Security Administration
6 shall—

7 “(i) estimate the present value of savings to the
8 Federal Old-Age and Survivors Insurance Trust
9 Fund, the Federal Disability Insurance Trust Fund,
10 the Federal Hospital Insurance Trust Fund, and the
11 Federal Supplementary Medical Insurance Trust
12 Fund which will accrue for all years as a result of
13 cessations of benefit payments resulting from con-
14 tinuing disability reviews carried out pursuant to the
15 requirements of section 221(i) during the fiscal year
16 ending on September 30 of such calendar year (in-
17 creased or decreased as appropriate to account for
18 deviations of estimates for prior fiscal years from
19 the actual amounts for such fiscal years), and

20 “(ii) certify the amount of such estimate to the
21 Managing Trustee.

22 “(B) Upon receipt of certification by the Chief Actu-
23 ary under subparagraph (A), the Managing Trustee shall
24 transfer to the Account from amounts otherwise in the

1 Trust Fund an amount equal to the estimated savings so
2 certified.

3 “(C) To the extent of available funds in the Account,
4 upon certification by the Chief Actuary that such funds
5 are currently required to meet expenditures necessary to
6 provide for continuing disability reviews required under
7 section 221(i), the Managing Trustee shall make available
8 to the Commissioner of Social Security from the Account
9 the amount so certified.

10 “(D) The expenditures referred to in subparagraph
11 (C)(i) shall include, but not be limited to, the cost of staff-
12 ing, training, purchase of medical and other evidence, and
13 processing related to appeals (including appeal hearings)
14 and to overpayments and related indirect costs.

15 “(E) The Commissioner shall use funds made avail-
16 able pursuant to this paragraph solely for the purposes
17 described in subparagraph (C).”.

18 (2) CONFORMING AMENDMENT.—Section
19 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A))
20 is amended in the last sentence by inserting “(other
21 than expenditures from available funds in the Con-
22 tinuing Disability Review Administration Revolving
23 Account in the Federal Disability Insurance Trust
24 Fund made pursuant to subsection (n))” after “is
25 responsible” the first place it appears.

(3) ANNUAL REPORT.—Section 221(i)(3) of such Act (42 U.S.C. 421(i)(3)) is amended—

(A) by striking “and the number” and inserting “the number”;

(B) by striking the period at the end and inserting a comma; and

(C) by adding at the end the following:
 “and a final accounting of amounts transferred to the Continuing Disability Review Administration Revolving Account in the Federal Disability Insurance Trust Fund during the year, the amount made available from such Account during such year pursuant to certifications made by the Chief Actuary of the Social Security Administration under section 201(n)(2)(A), and expenditures made by the Commissioner of Social Security for the purposes described in section 201(n)(2)(C) during the year, including a comparison of the number of continuing disability reviews conducted during the year with the estimated number of continuing disability reviews upon which the estimate of such expenditures was made under section 201(n)(2)(A).”.

(b) EFFECTIVE DATE AND SUNSET.—

1 (1) EFFECTIVE DATE.—The amendments made
 2 by subsection (a) shall apply for fiscal years begin-
 3 ning on or after October 1, 1995, and ending on or
 4 before September 30, 2002.

5 (2) SUNSET.—Effective October 1, 2002, the
 6 Continuing Disability Review Administration Revolv-
 7 ing Account in the Federal Disability Insurance
 8 Trust Fund shall cease to exist, any balance in such
 9 Account shall revert to funds otherwise available in
 10 such Trust Fund, and sections 201 and 221 of the
 11 Social Security Act shall read as if the amendments
 12 made by subsection (a) had not been enacted.

13 (c) OFFICE OF CHIEF ACTUARY IN THE SOCIAL SE-
 14 CURITY ADMINISTRATION.—

15 (1) IN GENERAL.—Section 702 of such Act (42
 16 U.S.C. 902) is amended—

17 (A) by redesignating subsections (c) and
 18 (d) as subsections (d) and (e), respectively; and

19 (B) by inserting after subsection (b) the
 20 following new subsection:

21 “Chief Actuary

22 “(c)(1) There shall be in the Administration a Chief
 23 Actuary, who shall be appointed by, and in direct line of
 24 authority to, the Commissioner. The Chief Actuary shall
 25 be appointed from individuals who have demonstrated, by

1 their education and experience, superior expertise in the
 2 actuarial sciences. The Chief Actuary shall serve as the
 3 chief actuarial officer of the Administration, and shall ex-
 4 ercise such duties as are appropriate for the office of the
 5 Chief Actuary and in accordance with professional stand-
 6 ards of actuarial independence. The Chief Actuary may
 7 be removed only for cause.

8 “(2) The Chief Actuary shall be compensated at the
 9 highest rate of basic pay for the Senior Executive Service
 10 under section 5382(b) of title 5, United States Code.”.

11 (2) EFFECTIVE DATE OF SUBSECTION.—The
 12 amendments made by this subsection shall take ef-
 13 fect on the date of the enactment of this Act.

14 **SEC. 4. ENTITLEMENT OF STEPCHILDREN TO CHILD’S IN-**
 15 **SURANCE BENEFITS BASED ON ACTUAL DE-**
 16 **PENDENCY ON STEPPARENT SUPPORT.**

17 (a) REQUIREMENT OF ACTUAL DEPENDENCY FOR
 18 FUTURE ENTITLEMENTS.—

19 (1) IN GENERAL.—Section 202(d)(4) of the So-
 20 cial Security Act (42 U.S.C. 402(d)(4)) is amended
 21 by striking “was living with or”.

22 (2) EFFECTIVE DATE.—The amendment made
 23 by paragraph (1) shall apply with respect to benefits
 24 of individuals who become entitled to such benefits

1 for months after the third month following the
 2 month in which this Act is enacted.

3 (b) TERMINATION OF CHILD'S INSURANCE BENE-
 4 FITS BASED ON WORK RECORD OF STEPPARENT UPON
 5 NATURAL PARENT'S DIVORCE FROM STEPPARENT.—

6 (1) IN GENERAL.—Section 202(d)(1) of the So-
 7 cial Security Act (42 U.S.C. 402(d)(1)) is amend-
 8 ed—

9 (A) by striking “or” at the end of clause
 10 (F);

11 (B) by striking the period at the end of
 12 clause (G) and inserting “; or”; and

13 (C) by inserting after clause (G) the fol-
 14 lowing new clause:

15 “(H) if the benefits under this subsection are
 16 based on the wages and self-employment income of
 17 a stepparent who is subsequently divorced from such
 18 child's natural parent, the sixth month after the
 19 month in which the Commissioner of Social Security
 20 receives formal notification of such divorce.”.

21 (2) EFFECTIVE DATE.—The amendments made
 22 by this subsection shall apply with respect to notifi-
 23 cations of divorces received by the Commissioner of
 24 Social Security on or after the date of the enactment
 25 of this Act.

1 **SEC. 5. RECOMPUTATION OF BENEFITS AFTER NORMAL**
2 **RETIREMENT AGE.**

3 (a) IN GENERAL.—Section 215(f)(2)(D)(i) of the So-
4 cial Security Act (42 U.S.C. 415(f)(2)(D)(i)) is amended
5 to read as follows:

6 “(i) in the case of an individual who did not die
7 in the year with respect to which the recomputation
8 is made, for monthly benefits beginning with bene-
9 fits for January of—

10 “(I) the second year following the year
11 with respect to which the recomputation is
12 made, in any such case in which the individual
13 has attained retirement age (as defined in sec-
14 tion 216(l)) as of the end of the year preceding
15 the year with respect to which the recomputa-
16 tion is made and the year with respect to which
17 the recomputation is made would not be sub-
18 stituted in recomputation under this subsection
19 for a benefit computation year in which no
20 wages or self-employment income have been
21 credited previously to such individual, or

22 “(II) the first year following the year with
23 respect to which the recomputation is made, in
24 any other such case; or”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 215(f)(7) of such Act (42 U.S.C.
 2 415(f)(7)) is amended by inserting “, and as
 3 amended by section 5(b)(2) of the Senior Citizens’
 4 Right to Work Act of 1995,” after “This subsection
 5 as in effect in December 1978”.

6 (2) Subparagraph (A) of section 215(f)(2) of
 7 the Social Security Act as in effect in December
 8 1978 and applied in certain cases under the provi-
 9 sions of such Act as in effect after December 1978
 10 is amended—

11 (A) by striking “in the case of an individ-
 12 ual who did not die” and all that follows and
 13 inserting “in the case of an individual who did
 14 not die in the year with respect to which the re-
 15 computation is made, for monthly benefits be-
 16 ginning with benefits for January of—”; and

17 (B) by adding at the end the following:

18 “(i) the second year following the year with
 19 respect to which the recomputation is made, in
 20 any such case in which the individual has at-
 21 tained age 65 as of the end of the year preced-
 22 ing the year with respect to which the recom-
 23 putation is made and the year with respect to
 24 which the recomputation is made would not be
 25 substituted in recomputation under this sub-

1 section for a benefit computation year in which
 2 no wages or self-employment income have been
 3 credited previously to such individual, or

4 “(ii) the first year following the year with
 5 respect to which the recomputation is made, in
 6 any other such case; or”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to recomputations of
 9 primary insurance amounts based on wages paid and self
 10 employment income derived after 1994 and with respect
 11 to benefits payable after December 31, 1995.

12 **SEC. 6. ELIMINATION OF THE ROLE OF THE SOCIAL SECU-**
 13 **RITY ADMINISTRATION IN PROCESSING AT-**
 14 **TORNEY FEES.**

15 (a) ACTIONS BEFORE THE COMMISSIONER.—Section
 16 206(a) of the Social Security Act (42 U.S.C. 406(a)) is
 17 amended—

18 (1) in paragraph (1), by striking the fourth and
 19 fifth sentences;

20 (2) by striking paragraphs (2), (3), and (4);

21 (3) by inserting after paragraph (1) the follow-
 22 ing new paragraph:

23 “(2)(A) No person, agent, or attorney may charge in
 24 excess of \$4,000 (or, if higher, the amount set pursuant
 25 to subparagraph (B)) for services performed in connection

1 with any claim before the Commissioner under this title,
2 or for services performed in connection with concurrent
3 claims before the Commissioner under this title and title
4 XVI.

5 “(B) The Commissioner may increase the dollar
6 amount under subparagraph (A) whenever the Commis-
7 sioner determines that such an increase is warranted. The
8 Commissioner shall publish any such increased amount in
9 the Federal Register.

10 “(C) Any agreement in violation of this paragraph
11 shall be void.

12 “(D) Whenever the Commissioner makes a favorable
13 determination in connection with any claim for benefits
14 under this title by a claimant who is represented by a per-
15 son, agent, or attorney, the Commissioner shall provide
16 the claimant and such person, agent, or attorney a written
17 notice of—

18 “(i) the determination,

19 “(ii) the dollar amount of any benefits payable
20 to the claimant, and

21 “(iii) the maximum amount under paragraph
22 (2) that may be charged for services performed in
23 connection with such claim.”; and

24 (4) by redesignating paragraph (5) as para-
25 graph (3).

1 (b) JUDICIAL PROCEEDINGS.—Section 206(b)(1) of
2 such Act (42 U.S.C. 406(b)(1)) is amended—

3 (1) in the first sentence of subparagraph (A),
4 by striking “representation,” and all that follows
5 and inserting the following: “representation. In de-
6 termining a reasonable fee, the court shall take into
7 consideration the amount of the fee, if any, that
8 such attorney, or any other person, agent, or attor-
9 ney, may charge the claimant for services performed
10 in connection with the claimant’s claim when it was
11 pending before the Commissioner.”;

12 (2) in the second sentence of subparagraph (A),
13 by striking “or certified for payment”;

14 (3) by striking subparagraph (B); and

15 (4) by striking “(b)(1)(A)” and inserting
16 “(b)(1)”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) Section 223(h)(3) of such Act (42 U.S.C.
19 423(h)(3)) is amended by striking all that follows
20 “obtained)” and inserting a period.

21 (2) Section 1127(a) of such Act (42 U.S.C.
22 1320a–6(a)) is amended by striking the last sen-
23 tence.

24 (3) Section 1631(d)(2)(A) of such Act (42
25 U.S.C. 1383(d)(2)(A)) is amended—

1 (A) by striking “(other than paragraph (4)
2 thereof)”; and

3 (B) by striking all that follows “title II”
4 and inserting a period.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to—

7 (1) any claim for benefits under the old-age,
8 survivors, and disability insurance program under
9 title II of the Social Security Act, the supplemental
10 security income program under title XVI of such
11 Act, or the black lung program under part B of the
12 Black Lung Benefits Act that is initially filed on or
13 after the 60th day following the date of the enact-
14 ment of this Act, and

15 (2) any claim for such benefits filed before such
16 60th day by a claimant who is first represented by
17 any person, agent, or attorney in connection with
18 such claim on or after such 60th day.

19 **SEC. 7. DENIAL OF DISABILITY BENEFITS TO DRUG AD-**
20 **ICTS AND ALCOHOLICS.**

21 (a) AMENDMENTS RELATING TO TITLE II DISABIL-
22 ITY BENEFITS.—

23 (1) IN GENERAL.—Section 223(d)(2) of the So-
24 cial Security Act (42 U.S.C. 423(d)(2)) is amended
25 by adding at the end the following:

1 “(C) An individual shall not be considered to be dis-
 2 abled for purposes of this title if alcoholism or drug addic-
 3 tion would (but for this subparagraph) be a contributing
 4 factor material to the Commissioner’s determination that
 5 the individual is disabled.”.

6 (2) REPRESENTATIVE PAYEE REQUIRE-
 7 MENTS.—

8 (A) Section 205(j)(1)(B) of such Act (42
 9 U.S.C. 405(j)(1)(B)) is amended to read as fol-
 10 lows:

11 “(B) In the case of an individual entitled to benefits
 12 based on disability, the payment of such benefits shall be
 13 made to a representative payee if the Commissioner of So-
 14 cial Security determines that such payment would serve
 15 the interest of the individual because the individual also
 16 has an alcoholism or drug addiction condition (as deter-
 17 mined by the Commissioner) that prevents the individual
 18 from managing such benefits.”.

19 (B) Section 205(j)(2)(C)(v) of such Act
 20 (42 U.S.C. 405(j)(2)(C)(v)) is amended by
 21 striking “entitled to benefits” and all that fol-
 22 lows through “under a disability” and inserting
 23 “described in paragraph (1)(B)”.

24 (C) Section 205(j)(2)(D)(i)(II) of such Act
 25 (42 U.S.C. 405(j)(2)(D)(i)(II)) is amended by

(D) Section 205(j)(4)(A)(i)(II) (42 U.S.C. 405(j)(4)(A)(i)(II)) is amended by striking “entitled to benefits” and all that follows through “under a disability” and inserting “described in paragraph (1)(B)”.

8 (3) TREATMENT REFERRALS FOR INDIVIDUALS
9 WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-
10 TION.—Section 222 of such Act (42 U.S.C. 422) is
11 amended by adding at the end the following new
12 subsection:

13 “Treatment Referrals for Individuals With an Alcoholism
14 or Drug Addiction Condition

“(e) In the case of any individual whose benefits under this title are paid to a representative payee pursuant to section 205(j)(1)(B), the Commissioner of Social Security shall refer such individual to the appropriate State agency administering the State plan for substance abuse treatment services approved under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.).”.

(4) CONFORMING AMENDMENT.—Subsection (c) of section 225 of such Act (42 U.S.C. 425(c)) is repealed.

1 (5) EFFECTIVE DATES.—

2 (A) The amendments made by paragraphs
3 (1) and (4) shall apply—

4 (i) in the case of individuals who are
5 entitled to monthly insurance benefits
6 under title II of the Social Security Act
7 based on disability for the month in which
8 this Act is enacted, with respect to such
9 benefits for months beginning on or after
10 January 1, 1997, and

11 (ii) in any other case, with respect to
12 benefits for which applications are filed on
13 or after the date of the enactment of this
14 Act.

15 (B) The amendments made by paragraphs
16 (2) and (3) shall apply with respect to benefits
17 for which applications are filed on or after the
18 date of the enactment of this Act.

19 (C) If an individual who is entitled to
20 monthly insurance benefits under title II of the
21 Social Security Act based on disability for the
22 month in which this Act is enacted and whose
23 entitlement to such benefits would terminate by
24 reason of the amendments made by this sub-
25 section reapplies for benefits under title II of

1 such Act (as amended by this Act) based on
 2 disability within 120 days after the date of the
 3 enactment of this Act, the Commissioner of So-
 4 cial Security shall, not later than January 1,
 5 1997, complete the entitlement redetermination
 6 with respect to such individual pursuant to the
 7 procedures of such title.

8 (b) AMENDMENTS RELATING TO SSI BENEFITS.—

9 (1) IN GENERAL.—Section 1614(a)(3) of the
 10 Social Security Act (42 U.S.C. 1382c(a)(3)) is
 11 amended by adding at the end the following:

12 “(I) Notwithstanding subparagraph (A), an individ-
 13 ual shall not be considered to be disabled for purposes of
 14 this title if alcoholism or drug addiction would (but for
 15 this subparagraph) be a contributing factor material to
 16 the Commissioner’s determination that the individual is
 17 disabled.”.

18 (2) REPRESENTATIVE PAYEE REQUIRE-
 19 MENTS.—

20 (A) Section 1631(a)(2)(A)(ii)(II) of such
 21 Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-
 22 ed to read as follows:

23 “(II) In the case of an individual eligible for benefits
 24 under this title by reason of disability, the payment of
 25 such benefits shall be made to a representative payee if

1 the Commissioner of Social Security determines that such
 2 payment would serve the interest of the individual because
 3 the individual also has an alcoholism or drug addiction
 4 condition (as determined by the Commissioner) that pre-
 5 vents the individual from managing such benefits.”.

6 (B) Section 1631(a)(2)(B)(vii) of such Act
 7 (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by
 8 striking “eligible for benefits” and all that fol-
 9 lows through “is disabled” and inserting “de-
 10 scribed in subparagraph (A)(ii)(II)”.

11 (C) Section 1631(a)(2)(B)(ix)(II) of such
 12 Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is
 13 amended by striking all that follows “15 years,
 14 or” and inserting “described in subparagraph
 15 (A)(ii)(II).”.

16 (D) Section 1631(a)(2)(D)(i)(II) of such
 17 Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amend-
 18 ed by striking “eligible for benefits” and all
 19 that follows through “is disabled” and inserting
 20 “described in subparagraph (A)(ii)(II)”.

21 (3) TREATMENT SERVICES FOR INDIVIDUALS
 22 WITH A SUBSTANCE ABUSE CONDITION.—Title XVI
 23 of such Act (42 U.S.C. 1381 et seq.) is amended by
 24 adding at the end the following new section:

11 (4) CONFORMING AMENDMENTS.—

15 (B) Section 1634 of such Act (42 U.S.C.
16 1383c) is amended by striking subsection (e).

18 (A) The amendments made by paragraphs
19 (1) and (4) shall apply—

(i) in the case of individuals who are eligible for supplemental security income benefits under title XVI of the Social Security Act based on disability for the month in which this Act is enacted, with respect

1 to such benefits for months beginning on
2 or after January 1, 1997, and

3 (ii) in any other case, with respect to
4 benefits for which applications are filed on
5 or after the date of the enactment of this
6 Act.

7 (B) The amendments made by paragraphs
8 (2) and (3) shall apply with respect to supple-
9 mental security income benefits under title XVI
10 of the Social Security Act for which applica-
11 tions are filed on or after the date of the enact-
12 ment of this Act.

13 (C) If an individual who is eligible for sup-
14 plemental security income benefits under title
15 XVI of the Social Security Act for the month
16 in which this Act is enacted and whose eligi-
17 bility for such benefits would terminate by rea-
18 son of the amendments made by this subsection
19 reapplies for supplemental security income ben-
20 efits under title XVI of such Act (as amended
21 by this Act) within 120 days after the date of
22 the enactment of this Act, the Commissioner of
23 Social Security shall, not later than January 1,
24 1997, complete the eligibility redetermination

1 with respect to such individual pursuant to the
 2 procedures of such title.

3 (D) For purposes of this paragraph, the
 4 phrase “supplemental security income benefits
 5 under title XVI of the Social Security Act” in-
 6 cludes supplementary payments pursuant to an
 7 agreement for Federal administration under
 8 section 1616(a) of the Social Security Act and
 9 payments pursuant to an agreement entered
 10 into under section 212(b) of Public Law 93–66.

11 (c) CONFORMING AMENDMENT.—Section 201(c) of
 12 the Social Security Independence and Program Improve-
 13 ments Act of 1994 (42 U.S.C. 425 note) is repealed.

14 (d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND
 15 SUBSTANCE ABUSE TREATMENT PROGRAMS.—

16 (1) IN GENERAL.—Out of any money in the
 17 Treasury not otherwise appropriated, there are here-
 18 by appropriated to supplement State and Tribal pro-
 19 grams funded under section 1933 of the Public
 20 Health Service Act (42 U.S.C. 300x–33),
 21 \$100,000,000 for each of the fiscal years 1997 and
 22 1998.

23 (2) ADDITIONAL FUNDS.—Amounts appro-
 24 priated under paragraph (1) shall be in addition to
 25 any funds otherwise appropriated for allotments

1 under section 1933 of the Public Health Service Act
 2 (42 U.S.C. 300x-33) and shall be allocated pursuant
 3 to such section 1933.

4 (3) USE OF FUNDS.—A State or Tribal govern-
 5 ment receiving an allotment under this subsection
 6 shall consider as priorities, for purposes of expend-
 7 ing funds allotted under this subsection, activities
 8 relating to the treatment of the abuse of alcohol and
 9 other drugs.

10 **SEC. 8. REVOCATION BY MEMBERS OF THE CLERGY OF EX-**
 11 **EMPTION FROM SOCIAL SECURITY COV-**
 12 **ERAGE.**

13 (a) IN GENERAL.—Notwithstanding section
 14 1402(e)(3) of the Internal Revenue Code of 1986, any ex-
 15 emption which has been received under section 1402(e)(1)
 16 of such Code by a duly ordained, commissioned, or li-
 17 censed minister of a church, a member of a religious order,
 18 or a Christian Science practitioner, and which is effective
 19 for the taxable year in which this Act is enacted, may be
 20 revoked by filing an application therefor (in such form and
 21 manner, and with such official, as may be prescribed in
 22 regulations made under chapter 2 of such Code), if such
 23 application is filed no later than the due date of the Fed-
 24 eral income tax return (including any extension thereof)
 25 for the applicant's second taxable year beginning after De-

1 cember 31, 1995. Any such revocation shall be effective
2 (for purposes of chapter 2 of the Internal Revenue Code
3 of 1986 and title II of the Social Security Act), as speci-
4 fied in the application, either with respect to the appli-
5 cant's first taxable year beginning after December 31,
6 1995, or with respect to the applicant's second taxable
7 year beginning after such date, and for all succeeding tax-
8 able years; and the applicant for any such revocation may
9 not thereafter again file application for an exemption
10 under such section 1402(e)(1). If the application is filed
11 after the due date of the applicant's Federal income tax
12 return for a taxable year and is effective with respect to
13 that taxable year, it shall include or be accompanied by
14 payment in full of an amount equal to the total of the
15 taxes that would have been imposed by section 1401 of
16 the Internal Revenue Code of 1986 with respect to all of
17 the applicant's income derived in that taxable year which
18 would have constituted net earnings from self-employment
19 for purposes of chapter 2 of such Code (notwithstanding
20 section 1402 (c)(4) or (c)(5) of such Code) except for the
21 exemption under section 1402(e)(1) of such Code.

22 (b) EFFECTIVE DATE.—Subsection (a) shall apply
23 with respect to service performed (to the extent specified
24 in such subsection) in taxable years beginning after De-
25 cember 31, 1995, and with respect to monthly insurance

1 benefits payable under title II of the Social Security Act
2 on the basis of the wages and self-employment income of
3 any individual for months in or after the calendar year
4 in which such individual's application for revocation (as
5 described in such subsection) is effective (and lump-sum
6 death payments payable under such title on the basis of
7 such wages and self-employment income in the case of
8 deaths occurring in or after such calendar year).

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